



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Regional Transportation Committee**

December 15, 2005

9:30 AM

Commission Chamber

Charles Anderson, CPA  
Commission Auditor

111 NW First Street, Suite 1030  
Miami, Florida 33128  
305-375-4354

**Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor**

**Legislative Analysis**

**Regional Transportation Committee  
Meeting Agenda**

**Thursday, December 15, 2005**

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

**Item Number(s)**

|            |      |
|------------|------|
| 3(A), 3(B) | 3(F) |
| 3(R)       | 7(K) |

Additional information items:

|      |      |
|------|------|
| 2(A) | 2(C) |
| 3(C) | 3(E) |

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Esq., Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:  
Guillermo Cuadra, Esq., Chief Legislative Analyst  
Tim Riera-Gomez, Senior Legislative Analyst

**LEGISLATIVE ANALYSIS**

3(A) *RESOLUTION AWARDING PACKAGE ONE OF A NON-EXCLUSIVE LEASE AND CONCESSIONS AGREEMENT AT MIAMI INTERNATIONAL AIRPORT, RFP NO. MDAD 01-05, TO CONCESSIONS MIAMI, LLC; AUTHORIZING COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE AGREEMENT AND ANY RENEWAL OR TERMINATION PROVISIONS CONTAINED THEREIN; WAIVING REQUIREMENTS OF RESOLUTION NO. R-377-04*

3(B) *RESOLUTION AWARDING PACKAGE TWO OF A NON-EXCLUSIVE LEASE AND CONCESSIONS AGREEMENT AT MIAMI INTERNATIONAL AIRPORT, RFP NO. MDAD 01-05, TO AREAS USA, INC.; AUTHORIZING COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE AGREEMENT AND ANY RENEWAL OR TERMINATION PROVISIONS CONTAINED THEREIN; WAIVING REQUIREMENTS OF RESOLUTION NO. R-377-04*

Aviation Department

**I. SUMMARY**

Items 3(A) and 3(B) are resolutions awarding Concessions Miami, LLC (Concessions Miami), and Areas USA, Inc., (Areas) packages #1 and #2 respectively, lease and concession agreements to finance, design and construct, sublease, manage, operate and maintain foodservice concessions at MIA (RFP No. MDAD-01-05). These resolutions waive the requirements of Resolution No. R-377-04 relating to the effective date of said leases and concession agreements.

**II. PRESENT SITUATION**

Packages 1 and 2 provide for 20 new locations for foodservices concessions with a total of 26,625 square feet mainly in the North and South terminals. There are currently 64 foodservice locations operated by six firms with sales of \$79.8 million and with revenues of just under \$10 million during the previous fiscal year. Once these new locations are operational there will be approximately 84 locations utilizing in excess of 104,000 square feet.

| <b>Operators</b>                            | <b>Sq. Ft.</b> | <b>Number of locations</b> |
|---|----------------|----------------------------|
| Host International, Inc.                    | 48,473         | 45                         |
| Global Concessions, Inc.                    | 13,904         | 15                         |
| Valls-Air Corporation<br>(La Carreta Rest.) | 7,991          | 1                          |
| Burger King, Corp                           | 4,630          | 1                          |
| Carrie Company                              | 1,869          | 1                          |
| Valls-Air Corporation<br>(Taxi Lot)         | 708            | 1                          |
| Total                                       | 77,575         | 64                         |

## **RTC ITEMS 3(A) & 3(B)**

**December 15, 2005**

### **III. POLICY CHANGE AND IMPLICATION**

These awards continue the Board's policy to provide quality foodservice concessions at MIA with significant local participation.

### **IV. ECONOMIC IMPACT**

|                       | <b>Concessions Miami, LLC</b> | <b>Areas USA, Inc.</b> |
|-----------------------|-------------------------------|------------------------|
| MAG                   | \$900,000                     | \$1,360,000            |
| Rent<br>(\$56.49 psf) | \$814,303                     | \$689,742              |

- Percentage fee of monthly gross revenues vary between 8% and 19% depending on the relevant concept category
- Each Concessionaire is required to have in place a MAG and Rent Performance Bond equal to 75% of the MAG
- Each concessionaire is required to provide an irrevocable letter of credit or cash as Payment Security in an amount equal to three times the minimum monthly guarantee plus applicable taxes
- Each concessionaire is required to invest a minimum of \$250 psf for each location in a Commercial Area (see section 4 of agreements)

### **V. COMMENTS AND QUESTIONS**

- Concessions Miami placed first in the overall results of Package 1 (ranked second in Technical Proposal category and first in MAG Price category).
- Areas placed second after Concessions Miami in the overall results of Package 2 (ranked fourth in Technical Proposal category and first in MAG Price category), but because the RFP prohibits the awarding of multiple packages to one proposer Areas was recommended for Package 2.
- Since Areas was ranked second to last in the Technical Proposal category what steps will be taken to ensure that high quality and customer service standards are sustained?
- Concessions Miami is a company managed by Concessions International, LLC, a concessionaire with operations in seven airports throughout the United States and the U.S. Virgin Islands.

**RTC ITEMS 3(A) & 3(B)**

**December 15, 2005**

- On pages 397 and 399 of item 3(A), the *Inventory of Submitted Proposals* from Concessions Miami show several items as “Waived by the Assistant County Attorney.” **Why were these items waived?** Said items were submitted by all other proposers.
- The County Attorney’s Office deemed the recommended firms responsive.
- MIA’s Minority Affairs Division issued memoranda stating that the recommended firms are in compliance with the DBE Participation Plan/Provisions.

**LEGISLATIVE ANALYSIS**

*RESOLUTION RELATING TO NORTH TERMINAL DEVELOPMENT PROJECT AT MIAMI INTERNATIONAL AIRPORT; AUTHORIZING EXECUTION OF CHANGE ORDER NO. MDAD-1 TO ADD ALLOWANCE ACCOUNTS AND RELATED CONTRACT LANGUAGE TO NORTH TERMINAL DEVELOPMENT CONTRACTS WITH CARIVON CONSTRUCTION COMPANY (A-B INFILL DEMOLITION, CONTRACT NO. MIA-747A); CROMPTON CONSTRUCTION COMPANY (A-B INFILL PRE-DEMOLITION, CONTRACT NO. MIA-747D, AND C-D INFILL RAMP FINISH-OUT, CONTRACT NO. MIA-739G); DATO ELECTRIC (C-D INFILL PDS & CCTV, CONTRACT NO. MIA-737H); DODEC, INC. (SPECIAL PROJECTS RELOCATION, CONTRACT NO. MIA-776N-1); DYNALECTRIC (C-D PDS, CONTRACT NO. MIA-775B, AND D-EXTENSION PDS, CONTRACT NO. MIA-775A1); MARKS BROTHERS, INC. (A-B APRON, CONTRACT NO. MIA-732B); AND TRINTEC CONSTRUCTION, INC. (PAINT SHOP, LOCKSMITH & K-9, CONTRACT NO. MIA-776N-4), AUTHORIZING AVIATION DIRECTOR OR DESIGNEE TO EXECUTE WORK ORDERS UNDER EACH ALLOWANCE ACCOUNT, AND AUTHORIZING COUNTY MANAGER OR DESIGNEE TO EXERCISE CANCELLATION OR TERMINATION PROVISIONS THEREOF*

(Aviation Department)

**I. SUMMARY**

This resolution authorizes the County Manager to execute Change Order No. MDAD 1 to the aforementioned contracts. This resolution waives the requirements of Resolution R-377-04 related to the effective date of the amended agreements.

**II. PRESENT SITUATION**

On June 21, 2005, the Board approved the Fourth Amendment to the Lease, Construction and Financing Agreement (LCF) between American Airlines and Miami-Dade County transferring responsibility of completing the North Terminal Development (NTD) to the County. As a result, these agreements were assigned to the County. Each project's budget contains a contingency amount that can not be accessed with existing contractual mechanisms. Previously, the Aviation Department brought to the Board

**III. POLICY CHANGE AND IMPLICATION**

This resolution continues the Board policy for expedient completion of MIA capital improvement projects.

#### **IV. ECONOMIC IMPACT**

The change orders to each of the agreements involved does not increase either the NTD's budget or the budgets of any of the projects. The change orders deplete in its entirety the contingency budget of six of the nine listed projects (see table below). Any additional amounts needed above the available contract amount plus contingencies require approval by the Board.

| <b>Project</b>              | <b>Contract No.</b> | <b>Contractor</b>             | <b>Contingency Budget</b> | <b>MDAD Change Order Amount</b> | <b>Balance of Contingency Budget After Change Order MDAD-1</b> |
|-----------------------------|---------------------|-------------------------------|---------------------------|---------------------------------|--|
| A-B Infill Demolition       | MIA-747A            | Carivon Construction Co.      | 377,407                   | (377,407)                       | <b>0</b>   |
| C-D Infill Ramp Finish-Out  | MIA-739G            | Crompton Construction Company | 420,263                   | (420,263)                       | <b>0</b>   |
| A-B Infill Pre-Demolition   | MIA-747D            | Crompton Construction Company | 1,039,047                 | (460,000)                       | <b>579,047</b>   |
| C-D Infill PDS & CCTV       | MIA-737H            | DATO Electric                 | 164,232                   | (164,232)                       | <b>0</b>   |
| Special Projects Relocation | MIA-776N-1          | DODEC Inc.                    | 44,794                    | (44,794)                        | <b>0</b>   |
| D-Extension PDS             | MIA-775A1           | Dynalectric                   | 14,479,676                | (257,931)                       | <b>14,221,745</b>  |
| C-D PDS                     | MIA-775B            | Dynalectric                   | 282,962                   | (282,962)                       | <b>0</b>   |
| A-B Apron                   | MIA-732B            | Marks Brothers, Inc.          | 1,486,223                 | (460,000)                       | <b>1,026,223</b>   |
| Paint Shop, Locksmith & K-9 | MIA-776N-4          | Trintec Construction Inc.     | 47,242                    | (47,242)                        | <b>0</b>   |

#### **V. COMMENTS AND QUESTIONS**

- Over \$70 million are currently allocated for contingencies related to the North Terminal Development.
- The average change order amount per project amounts to \$279,426.
- Previously, the Board adopted R-1088-05 approving the first amendment, adding scope and Additional Services allowances, to the Design Services Agreements with Bermello Ajamil & Partners, Inc., Leo A. Daly Company, and Wolfberg Alvarez (projects # MIA-746-R-3, MIA-747-R-1, and MIA-739C respectively, and described changes in added scope of the work and additional services allowances. Although, the present item does not reference changes in the scope of work, the item provides no details regarding the work to be performed or the circumstances giving rise to the need to access the contingency budgets of the various projects.

**LEGISLATIVE ANALYSIS**

*RESOLUTION AUTHORIZING EXECUTION OF CONTRACT NO. SS 1908-0/7 BETWEEN MIAMI-DADE COUNTY AND BOMBARDIER TRANSPORTATION (HOLDINGS) USA, INC., FOR THE PURCHASE OF UP TO 29 NEW METROMOVER VEHICLES; INCLUDING AN INITIAL ORDER OF 12 VEHICLES (PHASE 1) FOR A COST NOT TO EXCEED \$26,755,383 PLUS A \$1 MILLION CANCELLATION PENALTY IF PHASE 2 (FOR AN ADDITIONAL 17 VEHICLES AT A COST NOT TO EXCEED \$34,370,284) IS CANCELLED; FOR A TOTAL CONTRACT CEILING, INCLUSIVE OF PHASES 1 AND 2, OF \$61,125,667*

Miami-Dade Transit

**I. SUMMARY**

This resolution seeks Board approval for an exclusive sole source contract between Miami-Dade County and Bombardier Transportation USA, Inc. (Bombardier) for the purchase of up to 29 new Metromover Vehicles.

**II. PRESENT SITUATION**

On November 5, 2002, the residents of Miami-Dade County approved a ½ cent Surtax for the purpose of enhancing the Transportation and Mass Transit System in Miami-Dade County.

The outline for the expenditure of these monies is known as the Peoples' Transportation Plan (PTP).

On October 9, 2003 the Board of County Commissioners approved a list of 24 Capital Improvement Items to be included into the Peoples Transportation Plan (PTP). Among this list of projects to be amended into the PTP was the Mid-life Rehabilitation of the Metrorail and Metromover vehicles.

On October 19, 2004, The Board approved an amendment to the PTP clarifying the list of Capital Improvement Items approving the Purchase of 12 new Metromover Vehicles at an estimated cost of **\$1.725 million per vehicle** and the retrofitting of the remaining 17 vehicles for \$65,000 per vehicle (or \$1.105 million total), inclusive of a 5% allowance. The total fiscal impact to the PTP for addressing all 29 vehicles was estimated at \$24 million.

**Direct excerpt from Manager's Memo on item 7(J)(1)(B) October 19, 2003:**

**...FISCAL IMPACT**

The total cost for the procurement of 12 new Metromover vehicles and the retrofit and modification for compatibility of the remaining 17 vehicles is approximately \$24 million and will be funded 100% by the Transit Surtax.



### **III. POLICY CHANGE AND IMPLICATION**

This contract would allow for the purchase of 12 new vehicles at a cost of **\$2,123,782 per vehicle**.

This represents an increase of over 23% from the price per vehicle brought to the Board on October 19, 2004

Further, instead of simply retrofitting the remaining vehicles at the estimated cost of \$65,000 per vehicle (or \$1.105 million total), this contract contains an option to purchase 17 additional new vehicles at a cost of \$1,814,134 (or \$34,370,284 total)

Additionally, this contract provides a \$1 million penalty to the County if Phase II is not exercised.

### **IV. ECONOMIC IMPACT**

The contract ceiling for these vehicles, inclusive of allowance accounts is **\$61,125,667**.

**This is over 100% more than the estimated cost for this project when the Board approved the amendment to the PTP on October 19, 2005.**

### **V. COMMENTS AND QUESTIONS**

The Department contends that the additional 17 vehicles need replacement earlier than anticipated. Why?

*Why wasn't this revealed to the Board on October 19, 2004, after what was at that time called "a thorough evaluation" of the original cars by the Department and the County's consultant The Washington Infrastructure Group.*

**Direct excerpt from item 7(J)(1)(B) October 19, 2003:**

On September 9, 2003 (Resolution No. R-931-03), the Board awarded Contract TA02-MR26 to Washington Infrastructure Services, Inc. now Washington Group International, to provide engineering services for the Metrorail and Phase 1 Metromover mid-life vehicle fleet overhaul and modernization project. The original 12 Metromover vehicles, purchased in 1984 from Westinghouse Electric Corporation (now Bombardier Transportation), have reached their 20 years of useful life and are due for replacement. As a result of a thorough evaluation of these 12 original Metromover system vehicles, the estimated cost to overhaul each car is approximately \$1.5 million or a total of \$18.7 million dollars. The estimated cost to purchase 12 new vehicles is approximately \$20.7 million dollars or \$1.725 million per vehicle. Twelve (12) new vehicles could be delivered in 22 months compared to 52 months for twelve (12) overhauled vehicles. Furthermore, a rehabilitation of Metromover vehicles would only extend their useful life for 10 years, whereas new vehicles would offer a useful life of 20 years. Retrofit and modification for compatibility of the remaining 17 vehicles is estimated at \$1.105 million. In addition, modification to the wayside and central control to support the Vehicle Monitoring and Control System (VMCS), as outlined below, is estimated at \$1.059 million. The total project cost, including a 5% allowance for unforeseen changes at \$1.14 million, is approximately \$24 million. (emphasis added)

**RTC ITEM 3(R)**  
**December 15, 2005**

*Why is there a penalty payment of \$1,000,000 if the County fails to purchase the additional 17 vehicles from Bombardier?*

The Department has expressed that Bombardier is essentially the only provider compatible with our system, which they built.

**LEGISLATIVE ANALYSIS**

*PROGRESS REPORT REGARDING ORDINANCE TO PERMIT ROAD IMPACT FEES  
FOR MASS TRANSIT AS AN OPTION*

County Manager

**I. SUMMARY**

On October 18, 2005, the Board of County Commissioners approved a resolution by Commissioner Carlos A. Gimenez, directing the County Manager to take steps necessary to enable the use of Road Impact Fees for mass transit related projects in areas where the construction of additional lane miles is not feasible.

This agenda item is a progress report regarding the above mentioned directive.

**II. PRESENT SITUATION**

Currently, the Public Works Department assesses Road Impact Fees on all new development in order to offset the impact on County Roads and infrastructure.

According to the Manager's FY 2005-2005 Proposed Resource Allocation plan, the County is anticipating revenues derived from Road Impact Fees in the area of \$30 million. These funds are designated for Capital Projects.

Broward County is the closest community which currently assesses a Transit Impact Fee in similar instances.

**III. POLICY CHANGE AND IMPLICATION**

This change would allow for an expanded use of these impact fees.

This may necessitate an ordinance expanding and/or amending the allowable uses of Road Impact Fee Revenues, or the creation of a **Transit Impact Fee** in lieu of Road Impact Fee in urbanized areas where road expansion is not feasible.

There may be a change in which department controls the revenues derived for transit purposes. The Public Works Department currently controls all Road Impact Fee Revenues. Should any part of these revenues be utilized for transit related projects, it is likely that Miami-Dade Transit would control those revenues.

**IV. ECONOMIC IMPACT**

Unless a new type of Fee (i.e.-Transit Impact Fee) is created with a different formula to assess such fee, there will be no impact to revenues positive or negative.

A negative impact to the RIF fund could result from the creation of a Transit Impact Fee fund if monies previously deposited in the RIF were now deposited into a TIF.

**RTC ITEM 7(K)**  
**December 15, 2005**

However, the overall collection of monies between both funds would not be negatively effected if the schedule of payments for the TIF were “at least” that of their RIF equivilants.

**V. COMMENTS AND QUESTIONS**

**Broward County** imposes Transit Impact fees in lieu of Road impact fees in the following manner:

**Transit Impact Fees**

Effective March 1, 2004, transit impact fees will be assessed and paid, prior to construction approval by the Broward County Department of Urban Planning & Redevelopment, regardless of whether platting required.

Fees are charged for all new residential units and renovations that increase the number of dwelling units, and/or change the type of unit; and all new non-residential development, additions and renovations that increase the number of gross square feet (as defined in the Land Development Code) of any use and/or introduce a new use.

The fees are assessed in the area designated as the “Urban Infill/Redevelopment Area” or “Exception Area,” on the Road Impact Fee Assessment Zone Map and are for a specific use, based upon a fee schedule.

**Attachment 1** – Broward County Transit Impact Fee Schedule.

**Attachment 2** – City of San Francisco Transit Impact Fee Ordinance.

**Attachment 3** – Current Miami-Dade County Road Impact Fee District Map and proposed projects for FY 2005-2006.

**Attachment 4** – Other Innovative Impact Fees established throughout the United States.

Department of Urban Planning and Redevelopment  
Development Management Division  
**TRANSIT IMPACT FEE SCHEDULE (2005-2006)**  
Current Ordinance Schedule Only  
Effective October 1, 2005

| Type of Development                               | Unit          | Ordinance 2003-22 |
|---|---------------|-------------------|
| Single Family                                     | Dwelling Unit | \$443             |
| Townhouse   | Dwelling Unit | \$246             |
| Garden Apartment                                  | Dwelling Unit | \$267             |
| Mobile Home                                       | Dwelling Unit | \$246             |
| High Rise   | Dwelling Unit | \$162             |
| Retirement Community                              | Dwelling Unit | \$118             |
| Hotel/Motel                                       | Room          | \$312             |
| Office: < 50,000 sq.ft.                           | 1,000 sq.ft.  | *****             |
| Office: 50,000 + sq.ft.                           | 1,000 sq.ft.  | *****             |
| Office  | 1,000 sq.ft.  | \$641             |
| Industrial  | 1,000 sq.ft.  | \$347             |
| Industrial  | Acre          | \$6,045           |
| Commercial : 20,000 sq.ft. or less                | 1,000 sq.ft.  | \$1,502           |
| Commercial : > 20,000 sq.ft. and < 200,000 sq.ft. | 1,000 sq.ft.  | *****             |
| Commercial : > 200,000 sq.ft.                     | 1,000 sq.ft.  | *****             |
| Commercial : > 20,000 sq.ft.                      | 1,000 sq.ft.  | \$1,098           |
| Hospital  | 1,000 sq.ft.  | \$479             |
| Park  | Acre          | \$244             |
| Church  | 1,000 sq.ft.  | \$290             |
| Marina  | Boat Berth    | \$83              |
| Nursing Home                                      | Bed           | \$88              |
| Golf Course                                       | Acre          | \$132             |
| Bank  | 1,000 sq.ft.  | \$2,903           |
| Auto Dealership                                   | 1,000 sq.ft.  | \$1,230           |

For use not specified in the above table, the fee per unit shall be set by multiplying **\$440** per peak hour trip by the trip generation rate for such use as documented in "Trip Generation" published by the Institute of Transportation Engineers, or if such method is not available, other wise derived according to generally accepted professional standards.

**NOTE:** These fees apply only to property located within the area designated on the Broward County Land

**Transit Impact Development Fee: San Francisco Municipal Railway, San Francisco, California. Chapter IV (2) in *Funding Strategies for Public Transportation (Part B)*. Transit Cooperative Research Program (TCRP) Report 31 Volume 2, pg: 55-66. National Academy Press: Washington D.C. 1998.**

Downtown development in the late 1970s led the city and county of San Francisco (referred to as San Francisco) to enact an ordinance to collect a Transit Impact Development Fee (TIDF). The ordinance that authorized the fee was passed by the San Francisco Board of Supervisors in April 1981. The fee was designed to recover the operating subsidy and capital expansion costs of the San Francisco Municipal Railway (MUNI).

#### Key Features of the Ordinance

- a) *Justification.* The fee is only on new office development, as office workers are the primary users of transit; uses such as shopping and lunching that complement office space are exempt. There is a clear definition of the area where the fee applies
- b) *Calculation of the fee.* The fee is charged one time to cover the cost of providing transit services over the 45-year useful life of an office building. The fee is per square foot, the maximum being \$5/sq ft.
- c) *The manner in which proceeds will be used to serve the developments that pay the fee.* The money is transferred from the TIDF account to Muni's operating revenue fund to cover the incremental operating costs attributable to downtown office development. Muni can withdraw money to pay the salaries of staff administering the impact fee program or to pay for the incremental capital costs generated by the ridership. For example, the money may be used to expand a bus shelter that has been overcrowded by people commuting to the new office space; or if more buses are required to serve capacity on downtown routes, the impact fee

funds can be used to purchase the buses and pay for the salaries of the operators and bus maintenance.

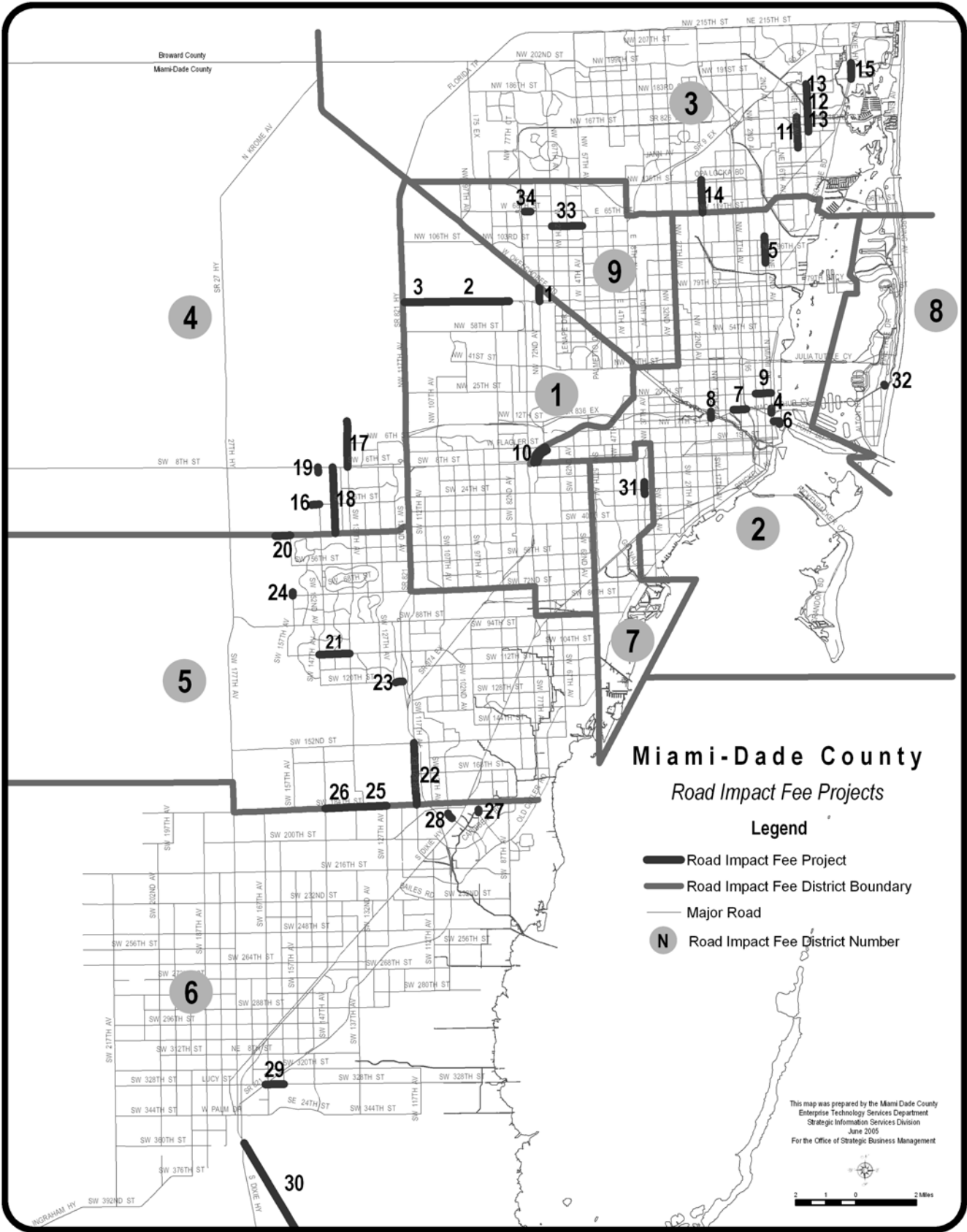
**d) *Payment timing and methodology and provisions for lack of payment.***

Payment is due upon 50 percent occupancy of the net rentable area or issuance of the first temporary permit or the final certificate of occupancy, whichever comes first. If the fee is not paid on time, Muni receives a lien on the property for the amount of the fee outstanding, plus interest and penalties. If the lien is not paid in 30 days (60 days for missed installment), a special assessment lien is then placed on the property. This lien is on parity with all other state, county, and municipal taxes, and the amount is included in the property tax bill (and can therefore be recovered under foreclosure of the property). If a building or a portion of it is no longer used for office space, a pro-rated portion of the TIDF must be returned.

**Lessons Learned**

- The impact fee ordinance should be airtight.
- Perform plenty of studies before adopting legislation.
- Involve the public in hearings.
- Write the language of the ordinance to stand up to law suits.

FY 2005 - 06 Proposed Resource Allocation and Multi-Year Capital Plan





## **FY 2005 - 06 Proposed Resource Allocation and Multi-Year Capital Plan**

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### **Projects Funded With Road Impact Fees**

1. NW 72 Ave from NW 74 St to Okeechobee Rd
2. NW 74 St from NW 87 Ave to NW 82 Ave
3. NW 74 St from H.E.F.T. to NW 87 Ave
4. NE 2 Ave from NW 14 St to NW 12 St
5. NE 2 Ave from NE 91 St to NE 105 St
6. NE 8 St/ Bayshore Dr from Biscayne Blvd to Port Blvd
7. NW 14 St from NW 10 Ave to I-95
8. NW 17 Ave Bridge over the Miami River
9. N 20 St from NW 2 Ave to NE 2 Ave
10. Tamiami Canal Rd and Tamiami Blvd from SW 8 St to Flagler St
11. NE 12 Ave from NE 151 St to NE 167 St
12. NE 15 Ave from NE 163 St to NE 170 St
13. NE 15 Ave between NE 159 St to 163 St and NE 170 St to Miami Gardens Dr
14. NW 17 Ave from NW 119 St to Opa Locka Blvd
15. Miami Gardens Drive Connector from US-1 to William Lehman Causeway
16. SW 26 St from SW 149 Ave to SW 147 Ave
17. W 137 Ave from SW 8 St to NW 12 St
18. SW 142 Ave from SW 42 St to SW 8 St
19. SW 147 Ave from SW 8 St to 600' south
20. SW 42 St from SW 157 Ave to SW 162 Ave
21. SW 104 St from SW 147 Ave to SW 137 Ave
22. SW 117 Ave from SW 184 St to SW 152 St
23. SW 120 St Bridge over Black Creek Canal
24. SW 157 Ave from SW 72 St to SW 70 St
25. SW 184 St from SW 137 Ave to SW 127 Ave
26. SW 184 St from SW 147 Ave to SW 137 Ave
27. SW 97 Ave Bridge over Black Creek Canal
28. SW 107 Ave Bridge over C-102 Canal
29. SW 328 St from US-1 to SW 162 Ave
30. Card Sound Rd from US-1 to Miami Dade/ Monroe County Line
31. Ponce De Leon Blvd from Almeria Ave to Alcazar Ave
32. Dade Blvd/ 23 St Bridge Replacement
33. W 60 St from W 12 Ave to W 4 Ave
34. W 68 St from W 19 Ct to W 17 Ct

## Attachment 4 Innovative Impact Fees

|                    |       |  |
|--------------------|-------|--|
| Atlanta, GA        | Roads | Fee reduced by 50% within 1/4 mile of mass transit station based on assumed higher transit usage (no hard data)  |
| Boise, ID          | Roads | Fees charged by Ada County Highway District originally higher in rural areas due to higher trip lengths, but subsequently amended to have county-wide residential fee and to incorporate lower ROW costs, resulting in nonresidential fees often being higher in Boise |
| Broward County, FL | Roads | Fee for each development based on computer model of impacts of all trips generated by development  |
| Cary, NC           | Roads | City sets aside 25% of each year's revenues to reimburse developers for excess contributions beyond impact fee credits for their projects  |
| Chandler, AZ       | Roads | City subsidizes retail fee with other funds in order to keep retail fee lower and retain ability to attract sales tax generating businesses (for 100,000 sq. ft. center fee would be \$748,000 but City pays \$348,000 to reduce fee to \$388,000)                     |
| Clark County, NV   | Roads | Per Sec. 278.710, N.R.S., transportation development tax at maximum rate of \$500 per single family dwelling unit and 50 cents per square foot of other new development  |
| Fort Collins, CO   | Roads | Fee excludes developer's local road equivalent obligation based  |
|                    |       | on improvements-driven methodology, and no credit given for  |
|                    |       | such improvements  |
| Jefferson Co., CO  | Roads | Higher fee for single-family units with 3+ car garage  |
| Lake Co, FL        | Roads | Fees vary based on bedrooms and unit type  |
| Larimer County, CO | Roads | Fee for impacts on County roads that primarily serve travel between cities of Fort Collins and Loveland are assessed within the cities and remitted to County  |
| Lenexa, KS         | Roads | Excise tax of 15 cents/sq. ft. of plat area  |
| Loveland, CO       | Roads | 25% fee reduction by-right for projects meeting criteria for mixed-use   |

**Attachment 4**  
**Innovative Impact Fees**

|                   |         |   |
|-------------------|---------|---|
| Reno, NV          | Roads   | Consumption-based regional road impact fee for Reno, Sparks and Washoe County includes intersection component based on average turning movements added by typical intersection improvement and system-wide ratio of turning movements to vehicle-miles                                      |
| Sacramento, CA    | Roads   | Construction tax based on 0.8% of value   |
| Weld County, CO   | Roads   | Reflecting rural characteristics, fees in two growth areas based on capacity added by paving gravel roads, increasing shoulder and lane widths on substandard 2-lane roads, and improving rural to urban cross-sections, as well as new roads and projects that add lanes to existing roads |
| San Francisco, CA | Transit | \$5/sq. ft. fee applies only to office development in C-3 district, can be used for operations as well as capital—fee litigated in Russ Bldg Partnership v. City and County of San Francisco (1987)   |

## ADDITIONAL INFORMATION

| <u>Item#</u> | <u>Subject Matter</u>  | <u>Comments/Questions</u>  |
|--------------|--|--|
| 2(A)         | Review and resolution of claims of CSBE contractors for work performed on MIA (North Terminal) | <p>Currently, there is a process to review, monitor and/or resolve certified claims submitted by construction managers, managing general contractors, trade contractors, subcontractors, suppliers, designers and others related to work performed in connection to the North Terminal Development Program. The County hired Alpha Construction and Engineering Corporation as consultant to perform the following work:</p> <ul style="list-style-type: none"> <li>◆ assist in the independent review of the time impact analyses and other documentation relating to change orders and to validate and/or prepare independent analyses as necessary to evaluate delay, inefficiency, schedule and cost analysis;</li> <li>◆ provide determination of impacts and damages for issue of entitlement; provide assessment of liabilities;</li> <li>◆ allocation of responsibilities;</li> <li>◆ and to provide general claims support for the CIP program.</li> </ul> <p>The North Terminal Development Claims Log Summary (see attachment #1) provides information of all relevant claims including CSBE's claims. Broadband Financial Group is a firm currently providing support to CSBE's with their claims.</p> |
| 2(C)         | Cell Phone Lot   | <p>Over a dozen major airports across the nation provide Cell Phone Lots citing a better traffic flow, less pollution, and diminished gas consumption. Cell Phone Lots provide an area where drivers can wait in the lot until arriving passengers have deplaned, collected luggage and called to be picked up. MIA temporarily designated a location as a Cell Phone Lot located off of Le Jeune Road (see attachment #2). MIA is evaluating locations for a permanent Cell Phone Lot.</p>  |
| 3(C)         | Car Rental Facility Agreements   | <p>The Aviation Department will request that this item be waived to the BCC meeting of December 20, 2005.</p> <p><i>Why is this item coming to Committee only two weeks before the nine Car Rental Facility Agreements expire?</i></p>   |

**RTC**  
**December 15, 2005**

| <b><u>Item#</u></b> | <b><u>Subject Matter</u></b> | <b><u>Comments/Questions</u></b>   |
|---------------------|------------------------------|--|
| 3(E)                | Waiver of Landlord's Lien    | <ul style="list-style-type: none"><li>♦ The Aviation Department routinely recommends the Board approve waivers of Landlord's Lien.</li><li>♦ The Board has traditionally approved waivers of landlord's liens, disclaiming any interest in personal property located on airport leased property, for the purposes of leasing or financing.</li><li>♦ The County holds a security deposit of \$181,000 which equates to two months of rent.</li></ul> |
|                     |                              |  |

## MIA NORTH TERMINAL DEVELOPMENT PROGRAM CLAIMS RESOLUTION STATUS REPORT

### CLAIM BACKGROUND

|  |                   |
|--|-------------------|
| 1 A. Total number of claims received by MDAD                           | 253               |
| Total amount of claims received by MDAD                                | \$ 137,266,420.32 |
| B. Total number of claims certified to date                            | 204               |
| Total amount of claims certified to date                               | \$ 117,452,445.84 |
| C. Total number of claims from 1st Tier Prime Contractors              | 242               |
| Total amount of claims from 1st Tier Prime Contractors                 | \$ 135,273,443.35 |
| D. Total number of claims certified by 1st Tier Prime Contractors      | 195               |
| Total amount of claims certified by 1st Tier Prime Contractors         | \$ 115,635,835.72 |
| E. Total number of claims from CSBE contractors                        | 36                |
| Total amount of claims received from CSBE contractors                  | \$ 4,871,256.53   |
| F. Total number of claims certified by CSBE contractors                | 32                |
| Total amount of claims certified by CSBE contractors                   | \$ 4,449,635.78   |
| G. Total number of claims from 1st Tier Prime CSBE contractors         | 27                |
| Total amount of claims from 1st Tier Prime CSBE contractors            | \$ 3,042,898.53   |
| H. Total number of claims certified by 1st Tier Prime CSBE contractors | 24                |
| Total amount of claims certified by 1st Tier Prime CSBE contractors    | \$ 2,795,954.63   |

### OWNER REVIEW BOARD ("ORB") ACTION ON CERTIFIED CLAIMS

|   |                  |
|---|------------------|
| 2 A. Total number of claims reviewed                | 151              |
| Total amount of claims reviewed                     | \$ 44,446,098.00 |
| Total amount of payments recommended on claims      | \$ 6,780,050.38  |
| B. Total number of CSBE contractor claims reviewed  | 21               |
| Total amount of CSBE contractor claims reviewed     | \$ 2,277,656.75  |
| Total amount of payments recommended on CSBE claims | \$ 666,796.66    |
| C. Total number of claims rejected                  | 87               |
| Total amount of claims rejected                     | \$ 24,953,076.49 |

# MIA NORTH TERMINAL DEVELOPMENT PROGRAM CLAIMS RESOLUTION STATUS REPORT

## DEPUTY DIRECTOR ACTION ON CERTIFIED CLAIMS

|      |   |                  |
|------|---|------------------|
| 3 A. | Total number of claims reviewed                       | 115              |
|      | Total amount of payments approved for settlement      | \$ 4,783,983.63  |
| B.   | Total number of CSBE claims reviewed                  | 21               |
|      | Total amount of CSBE payments approved for settlement | \$ 666,746.66    |
| C.   | Total number of claims rejected                       | 65               |
|      | Total value of claims rejected                        | \$ 24,675,552.49 |
| D.   | Total number of CSBE claims rejected                  | 5                |
|      | Total value of CSBE claims rejected                   | \$ 1,175,212.26  |

## CONDITIONAL SETTLEMENT STATUS OF CERTIFIED CLAIMS

|      |   |               |
|------|---|---------------|
| 4 A. | Total number of claims conditionally settled with contractors | 5             |
|      | Total amount of claims conditionally settled with contractors | \$ 827,268.90 |

## BCC ACTION ON CONDITIONAL SETTLEMENT OF CERTIFIED CLAIMS

|      |  |               |
|------|--|---------------|
| 5 A. | Total number of conditional settlements submitted for approval | 3             |
|      | Total amount of conditional settlements submitted for approval | \$ 806,829.82 |
| B.   | Total number of conditional settlements approved               | 3             |
|      | Total amount of conditional settlements approved               | \$ 806,829.82 |
| C.   | Total number of conditional settlements rejected               | 0             |
|      | Total amount of conditional settlements rejected               | \$ -          |

**Cell Phone Lot**  
**Miami International Airport**

